IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

TUESDAY, THE 30TH OCTOBER 2007 / 8TH KARTHIKA 1929

WP(C).No. 20952 of 2007(T)

PETITIONER:

REV.DR.THOMAS P.E., SOSAMMA COTTAGE,
T.C. 34/1613, KOHUTHOPPE, VALLAKKADAVU P.O.,
TRIVANDRUM.

BY ADV. REV.DR.THOMAS P.E., PARTY IN PERSON.

RESPONDENTS:
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1. STATE OF KERALA, REPRESENTD BY THE CHIEF SECRETARY TO GOVERNMENT, GOVERNMENT OF KERALA, GOVERNMENT SECRETARIAT, TRIVANDRUM.

2. THE SECRETARY, MUNCIPAL CORPORATION OF TRIVANDRUM, PALAYAM, TRIVANDRUM.

ADDL.R3. COMMISSIONER FOR CIVIL SUPPLIES, GOVERNMENT OF KERALA, PUBLIC OFFICE COMPLEX, PALAYAM, TRIVANDRUM

(ADDL.R3 IS IMPLEADED AS PER ORDER DT.9.10.07 IN IA 13507/07.)

BY GOVERNMENT PLEADER SRI.BENJAMIN PAUL

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 25/10/2007, THE COURT ON 30/10/2007 DELIVERED THE FOLLOWING:

WPC NO.20952/07

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1: TRUE COPY OF the PRESENT RATION CARD NO.1101067227/2006.

EXT.P2: TRUE COPY OF THE REQUEST CUM NOTICE ISSUED TO THE 2ND RESPONDENT.

EXT.P3: TRUE COPY OF MANORAMA DAILY NEWS PAPER DATED 30.5.07.

EXT.P4: TRUE COPY OF THE REPLY LETTER ISSUED BY THE 2ND RESPONDENT.

EXT.P5: TRUE COPY OF THE GOVERNMENT ORDER NO.G.O(MS) NO.174/2007/LSGD DT.11.7.07.

EXT.P6: TRUE COPY OF THE O.P.TICKETS OF GENERAL HOSPITAL, TRIVANDRUM AND HIGH COURT DISPENSARY.

//TRUE COPY//

ANTONY DOMINIC, J.

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W.P.(C) No. 20952 OF 2007 T
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Dated this the 30th October, 2007.

J U D G M E N T

This writ petition, filed by the petitioner as party in person, contains mainly a request that he should be issued a ration card in the Below Poverty Level (BPL) category. It is stated that in the ration card issued to him by the City Rationing Officer (South) Thiruvananthapuram, the petitioner has been classified in the Above Poverty Level (APL) category. According to him, his income is much less than what has been assessed and that he is entitled to be classified in the BPL category. Hence, he says that he should be categorised in the BPL category and a new ration card issued on that basis.

2. From the counter affidavit filed by the 1st respondent, it is evident that preparation of BPL list is done by the 2nd respondent Corporation and that it is done on the basis of the risk factors fixed by the 1st respondent from time to time. It is submitted that by

G.O.(MS)No.174/2007/LSGD dated 11-7-2007 the Government have issued directions for the preparation of new BPL list. In implementation of the said Govt. Order the Corporation has intimated the 1st respondent that they have taken necessary steps for conducting the new BPL survey for which officers have been deputed. It is stated that once selection of the enumerators is completed, survey would be completed in a time bound manner and that in the survey to be conducted if the petitioner is found eligible for inclusion in the BPL list in terms of the norms fixed by the 1st respondent, he will be included in the new BPL list. It is also submitted that at the time when the petitioner's representation dated 22-5-2007 was replied, there was no direction from the 1st respondent for preparation of new BPL list.

3. From the counter affidavit filed by the 1st respondent it is evident that it is for the 2nd respondent to conduct the survey based on the norms fixed by the 1st respondent and that the survey is already ordered. Since inclusion in the BPL category depends upon the outcome of the survey which is ordered

by the 1st respondent, the entitlement of the petitioner for the re-categorization that he claims has to await the completion of the survey. Therefore, the relief sought for in this writ petition for re-categorization from APL to BPL category can be directed to be considered once survey is completed by the 2nd respondent.

4. In view of the above, I dispose of this writ petition directing that expeditious steps will be taken by the respondents for completion of the survey for the preparation of new BPL list and once it is completed, the case of the petitioner for re-categorization in the BPL list will be considered as expeditiously as possible. With these directions, the writ petition is disposed of.

Since the petitioner appeared in person, the Registry will forward a copy of this judgment in his address in the writ petition.

ANTONY DOMINIC
JUDGE

jan/-